

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

In paragraph 26, the phrase “a valid has signature is found” is used, and should be changed to “a valid hash signature is found”.

Appropriate correction is required.

### *Claim Objections*

Claim 27 is objected to because of the following informalities: “per-per-view payment” is used, and should be changed to “pay-per-view payment”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al. (US 2004/0220791 A1 hereinafter Lamkin).

**Regarding claim 1**, Lamkin discloses “a method for enhancing broadcast movies comprising the steps of:” ([0406])

“Acquiring a selected broadcast movie;” ([0406], Fig. 12, item 1202 a movie received from a cable or satellite broadcast system is recorded into memory of the personal video recorder)

“Acquiring said metadata;” ([0404]-[0406], Figs. 12, the metadata is the additional content data items 1206 and 1204 retrieved not belonging to the broadcasted movie item 1202)

“Associating said metadata with said movie; and” ([0393]-[0404], Figs. 12-13 using items 1356, 1359, 1360, the additional content retrieved and item 1202 the original broadcasted movie recorded, a Virtual DVD is created in the memory of the personal video recorder to replicate that of item 1350 the actual distributed DVD movie)

“Providing a portion of said metadata for viewing on a display in response to a viewer command whereby said portion of metadata is associated with a selected scene of said movie.” ([0393]-[0404], where [0395] describes metadata used to create overlaid menus associated with scenes which the user can interact with)

**Regarding claim 2**, Lamkin discloses “the method of claim 1 wherein said metadata is downloaded from a Web server” ([0392]-[0393], Figs. 12-13, item 1206 is metadata containing additional content retrieved from a web server to be combined with item 1202 the recorded broadcast movie when creating item 1354 the virtual DVD).

**Regarding claim 3**, Lamkin discloses "the method of claim 1 wherein said metadata is received from a pay-per-view cable channel" ([0406], Figs. 12-13, the PVR recording of the broadcast movie from a pay-per-view cable provider, includes item 1204 metadata containing additional content received at the end of the broadcast movie to be combined with the broadcast movie when creating the virtual DVD).

**Regarding claim 4**, Lamkin discloses "the method of claim 1 wherein authoring software identifies at least one GOP that identifies the start of a known scene" ([0391]-[0406], Fig. 13, where identifiers are created in the virtual DVD to identify specific scenes within the movie for metadata to be associated, and it is inherent mpeg format includes the use of GOP, thus at least one GOP is being used to identify scenes within the movie).

**Regarding claim 5**, Lamkin discloses "the method of claim 4 wherein a hash signature is calculated for said at least one GOP and compared to known signatures provided with said metadata" ([0302], an identification engine is used for hashing the movie after determination of a BCA code which can be retrieved by means including the DVD disk or via the internet, it is inherent hash signatures must be created when hashing the movie, where the hash signatures are related to the set locations in the movie, and metadata being association with corresponding set locations).

**Regarding claim 6**, Lamkin discloses “the method claim 1 further comprising the step of acquiring payment prior to transferring said metadata” ([0100], [0166]-[0167], [0242], [0392], [0405]-[0406], where payment is attributed when receiving a broadcast movie from a pay-per-view cable server, and metadata being provided along with the broadcasted movie when creating the virtual DVD, furthermore, the additional content retrieved for creating the virtual DVD requires purchasing determined by item 470 the content manager or trusted establishment providing the content).

**Regarding claim 7**, Lamkin discloses “the method claim 1 further comprising the step of performing media association, building tracks and formatting said movie and said metadata for storing on a DVD disk” ([0406], Fig. 13, [0406] describes using the virtual DVD created by the PVR with a recording system using an optical medium being DVD-R or DVD+R to replicate that of the distributed DVD movie).

**Regarding claim 8**, Lamkin discloses “a system to implement the method of claim 7” (refer to claims 1 and 7 above, where Figs. 1-4 show the system implementation).

**Regarding claim 9**, Lamkin discloses “a computer to implement the method of claim 7” (refer to claims 1 and 7 above, where Figs. 1-4 show a computer implementation).

**Regarding claim 10**, Lamkin discloses "a computer-readable medium having instructions for assisting in the implementation of the method of claim 7" (refer to claims 1 and 7 above, where Figs. 1-4 show a implementation which includes a computer-readable medium having instructions).

**Regarding claim 11**, Lamkin discloses "A method for viewing a broadcast movie comprising the steps of:

Recording said broadcast movie;

Acquiring metadata relating to said movie;" (refer to claim 1 above)

"Identifying at least one scene of said movie;

Based on said identification associating metadata with said scene; and" ([0395], where scenes must be identified prior to associating metadata, including associating overlaid menus intended for specific scenes, given overlaid menus created using metadata retrieved)

"Providing a viewer of said DVD disk with control command for selecting either the broadcast movie or one or more video elements, audio elements, subpicture elements or still picture graphics provided by said metadata" (refer to claim 7, where metadata retrieved to create the virtual DVD to record onto the optical medium includes the elements and graphics above as shown in Fig. 10).

**Regarding claim 12**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 6 above.

**Regarding claim 13**, Lamkin discloses “the method of claim 12 wherein said associating step includes the steps of:”

“Defining a title domain having a plurality of program chains;” ([0393]-[0404], Fig. 10)

“Generating a plurality of chapter marks at each scene change Identifying video elements, audio elements, subpicture elements and still picture graphics associated with at least a portion of said chapter marks; and” (a plurality of chapter marks are created in the virtual DVD to mimic that of the distributed DVD movie shown in Fig. 13, where the elements and graphics above shown in Fig. 10 are associated with the chapter marks to create additional content displayed designed for specific scenes including subtitles, different language audio, or overlaid menus linking to additional content as described in [0395])

“Selecting supplementary material from a menu in response to a viewer command, said supplementary material derived from said video elements, audio elements, subpicture elements and still picture graphics.” ([0395], where given overlaid menus provide linking to supplementary material)

**Regarding claim 14**, Lamkin discloses “A method for enhancing viewing of a movie recorded to a DVD disk using MPEG compression comprising the steps of”  
“acquiring metadata associated with said movie and,” ([0391]-[0393], [0406])

"during the display of said movie, providing the viewer the option to access metadata related to the displayed portion of said movie by calculating a signature for at least one frame of said movie, said signature uniquely identifying a portion of said related metadata" ([0394]-[0406], where the metadata used in creation of the virtual DVD is linked to specific locations within the movie).

**Regarding claim 15**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 6 above.

**Regarding claim 16**, Lamkin discloses "The method of claim 15 further comprising the steps of:

Recording said metadata to said DVD disk;" ([0405]-[0406], a recording system records the virtual DVD containing the metadata to an optical medium including DVD-R or DVD+R)

"Subsequently, viewing said DVD disk and providing a viewer the option to access supplementary material in addition to said movie by: Identifying a known scene of said movie; Inserting a plurality of chapter marks at a plurality of scenes following said known scene; and Accessing features related to a selected one of said scenes, said features provided by said metadata and linked to said selected scene." ([0391]-[0406], the produced DVD from the virtual DVD mimics that of a distributed DVD including the features above)

**Regarding claim 17**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

**Regarding claim 18**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 8 above.

**Regarding claim 19**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 9 above.

**Regarding claim 20**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 10 above.

**Regarding claim 21**, Lamkin discloses “A DVD recording system for enhancing viewing of a movie recorded to a DVD disk comprising:” ([0405]-[0406])

“A receiver for receiving a broadcast movie;” (Fig. 4, where it is inherent a receiver must be present to receive the broadcasted movie from the cable broadcast system to store in the PVR)

“A recorder for transferring said broadcast movie to a DVD disk; and” ([0406])

“Authoring software module for acquiring metadata associated with said movie and providing the viewer the option to access supplementary material provided with said metadata during display of said movie;” ([0391]-[0406])



"said authoring software including a hash engine for identifying the start of at least one scene of said movie and means for combining said metadata with said broadcast movie". ([0302], an identification engine is used for hashing the movie after determination of a BCA code which can be retrieved by means including the DVD disk or via the internet, it is inherent hash signatures must be created when hashing the movie, where the hash signatures are related to the set locations in the movie, and metadata being associated with corresponding set locations).

**Regarding claim 22**, Lamkin discloses "the DVD recording system of claim 21 further comprising a software module for concluding a purchase transaction prior to accessing said metadata" ([0404], Figs. 4 shows the system implementation, where the content manager handles purchase transactions related to providing metadata).

**Regarding claim 23**, Lamkin discloses "the DVD recording system of claim 23 further comprising means for receiving and recording said metadata to said DVD disk" ([0406], the virtual DVD created in the PVR is then recorded to an optical medium including a DVD-R or DVD+R by the recording system).

**Regarding claim 24**, Lamkin discloses "the DVD recording system of claim 23 further comprising means for determining a known location in the recorded movie and for linking said metadata thereto" ([0404]-[0406], the virtual DVD created in the PVR links metadata to the recorded movie prior to creating the DVD-R or DVD+R).

**Regarding claim 25**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

**Regarding claim 26**, Lamkin discloses "A method for generating revenue from when broadcasting movies comprising the steps of:

Broadcasting and recording a movie;" ([0404]-[0406])

"Offering metadata related to said movie, said offer being accepted by payment of an agreed upon fee;" ([0405], Fig. 4, item 470, the content manager provides metadata for purchasing)

"Linking said metadata with said movie; and" ([0391]-[0405], a virtual DVD is created using the recorded movie received from the broadcast cable system and the metadata received from the content manager by the service provider)

"Authoring a DVD having at least a plurality of video and audio streams for viewer selection from a plurality of menus derived from said metadata, said menus providing viewer options in response to display of said movie" ([0406], a recording system uses the virtual DVD created to store on an optical medium including a DVD-R or DVD+R to mimic the distribution of the DVD movie).

**Regarding claim 27**, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 6 above.

**Regarding claim 28**, Lamkin discloses “the method of claim 27 wherein said metadata has a program identifier and is broadcast on a separate channel from said movie” ([0302], [0392]-[0393], an identifier engine is used to associate metadata with other given entities including broadcast movies, where given metadata and program identifier are obtained by various means including being retrieved from a separate channel than that of the broadcast movie).

**Regarding claim 29**, Lamkin discloses “the method of claim 28 wherein said acceptance comprises an Internet payment at a Web site having metadata available for download” ([0166]-[0167], [0404], Fig. 4, item 470 the content manager handles the purchases of provided content including the metadata used in creation of the virtual DVD).

**Regarding claim 30**, Lamkin discloses “the method of claim 29 wherein said metadata is downloaded to a DVD recorder in response to a viewer’s payment” (refer to claim 29, where the virtual DVD is further used to create a DVD-R or DVD+R using a recording system for an additional charged described in [0406]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borden et al. (US 2005/0091681 A1) – cost effective distribution of content

Logan et al. (US 2003/0093790 A1) – using metadata to identify and edit program segments

Kawaguchi (US 2003/0215209 A1) – transmitting data to user for special playback of transmitted programs

Markman et al. (US 2003/0122966 A1) – editing media programs using metadata

Otala et al. (US 7,200,321 B2) – creating an enhanced DVD using stored program material on a local hard disk

#### ***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Stanley whose telephone number is (571) 270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4157

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